



RHODE ISLAND STATE POLICE



INTERDEPARTMENTAL COMMUNICATION

February 2, 2004

TO: Colonel Steven M. Paré
Superintendent

FROM: Inspector Elwood M. Johnson, Jr.
Professional Standards Unit

SUBJECT: *Annual Analysis of Use of Force Incidents — Calendar Year 2003*

In accordance with Division Policy under General Order 51A, entitled "Use of Force," this writer has conducted an analysis of all Use of Force reports furnished to the Professional Standards Unit during calendar year 2003. There were a total of thirty-six (36) reported Use of Force incidents, which this writer has categorized as follows:

<i>Less-than-Lethal Physical Force</i>	18
<i>Physical Force with Cap-Stun</i>	8
<i>Physical Force with Cas Baton</i>	0
<i>Use of Canine</i>	1
<i>Lethal Physical Force (on Person) – Discharge of Firearm</i>	1
<i>Discharge of Firearm – Dispatch Severely Injured Animal</i>	8
<i>Total:</i>	36

DESCRIPTION OF INCIDENTS INVOLVING LESS-THAN-LETHAL PHYSICAL FORCE:

During calendar year 2003, there were twenty-seven (27) incidents in which members had to apply the use of *Less-than-Lethal Physical Force* in order to: (1) Defend oneself, another Division member, or other person(s); (2) Subdue a resisting subject pursuant to arrest; or (3) Effect an arrest(s). Those incidents are described in the following categories:

Less-than-Lethal Physical Force (Physical Struggle):

Members applied *Less-than-Lethal Physical Force* (physical struggle) on eighteen (18) occasions, which occurred when members encountered violent or active physical resistance when attempting to effect a lawful arrest for the following reasons:

- Subject wanted on outstanding warrant or in commission of crime 2
- Response to a call involving dangerous or violent suspect..... 4
- Suspect under the influence or in possession of alcohol/drugs..... 2
- Motor vehicle stop leading to arrest 2
- Suspect violently resisting and obstructing a search warrant..... 8

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Physical Force with Cap-Stun:

Members applied *Less-than-Lethal Physical Force with Cap-Stun* on eight (8) occasions which occurred when members encountered violent or active physical resistance when attempting to effect a lawful arrest for the following reasons:

- Subject wanted on outstanding warrant or in commission of crime3
- Response to a call involving dangerous or violent suspect..... 2
- Suspect under the influence of alcohol or in possession of drugs..... 2
- Motor vehicle stop leading to arrest 1

Physical Force with Canine (K-9):

During execution of a search warrant, a violent suspect who was actively resisting a lawful arrest was accidentally “apprehended” or bitten by a Division-Canine while the Division (K9) Handler was attempting to assist other members in the arrest. The suspect, who subsequently ceased resistance, was not injured.

DESCRIPTION OF INCIDENTS INVOLVING LETHAL PHYSICAL FORCE:

During calendar year 2003, there were nine (9) incidents in which members applied the use of *Lethal Physical Force* by discharging their firearm. The reasons included the following: (1) To protect him/herself or another Division member when that member had a reason to believe that an imminent threat of death or serious physical injury existed to him/herself or another Division member, and (2) To dispatch a severely injured animal.

Only one of the incidents involved the use of *Lethal Physical Force* on a person. Members of the Division’s Violent Fugitive Task Force had been called upon by the RI Department of Attorney General to locate and apprehend a violent suspect wanted on a probation violation and who posed a significant threat to his estranged girlfriend. When members attempted to apprehend the subject, he violently resisted and struck a member with his fleeing vehicle. The suspect accelerated with the officer trapped against the vehicle’s driver’s side and refused to heed the member’s commands to stop. The member discharged one round into the suspect’s chest, due to an imminent fear that he (the member) and another Division member would be killed or seriously injured by the actions of the suspect. The suspect died from his injury. A grand jury was convened and determined that the member’s actions were justified.

The remaining eight (8) incidents involved the use of *Lethal Physical Force* to dispatch a severely injured animal. Seven (7) pertained to wild deer that had been injured by a motor vehicle on a public roadway. One (1) occasion involved a wild raccoon that had been severely injured by a dog.

Use of Force by Month/Type:

MONTH	Physical Struggle	Cap-Stun	Canine	Lethal-Force/Firearm
January	0	1		
February	0	0		
March	1	0		
April	2	0		
May	1	1		3 (animals)
June	3	0		1 (person)
July	8	0	1	
August	0	2		2 (animals)
September	0	1		
October	0	1		2 (animals)
November	2	1		1 (animal)
December	1	1		
TOTALS:	18	8	1	9

Statistics:

	2003	2002	2001	2000	1999	1998
<u>Physical Struggle:</u>	18	46	28	29	32	39
<u>Physical w/Cap-Stun:</u>	8	1	2	3	3	6
<u>Physical w/CAS 21 Baton</u>	0	2	—	—	—	—
<u>Discharge of Firearm:</u>	9	4	11	8	6	6
<u>Use of Canine</u>	1	0	0	1	—	—
<u>Other:</u>	0	0	0	0	0	1
<u>TOTAL:</u>	36	53	41	41	41	52

All Use of Force incidents are subject to review by the Professional Standards Unit as outlined in Division Policy. After reviewing the pertinent reports and circumstances involved in each of the thirty-six (36) Use of Force incidents in 2003, this writer noted that there were no patterns of abuse or non-compliance. Furthermore, this review did not reveal any evidence of training deficiencies or overall departure from Division Policy or accepted practices.

Respectfully submitted,

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Professional Standards Unit

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cc: File